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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,895	Applicant(s) KREINER ET AL.	
	Examiner Tuan A. Vu	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 11/20/07.

As indicated in Applicant's response, claims 1-8, 10, 20, 26 have been amended. Claims 1-10, 12, 20-27 are pending in the office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20, 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

(i) exact relationship between 'user input' corresponding to system outputs (line 5); 'user input' corresponding to an incoming XML item (line 13); and 'user input instructions' for which non-proprietary data is defined in a outgoing XML item (line 7);

(ii) exact relationship between 'user input instructions' relating to 'system output instructions' (line 18); 'user input' corresponding to incoming XML, sent from the second computer (line 25); between 'system output instructions' (line 15 – second computer) and 'system outputs' (line 5, 12 - first computer system).

(iii) what exact relationship can possibly exist between an application layer 'user input' and 'system level instructions? What true correspondence is there between 'system outputs' and 'system output instructions'?

For (i) and (ii), one of ordinary skill in the art would not be able to construe which entities correspond consistently to another particular entity, especially when taken from a dual context of a first then a second computer, as recited in the claim, when no real parallel construction is conveyed from the claim. For example, is the correspondence between 'user input' (related to incoming XML) in line 12 same as that of line 25? Is 'user input instruction' for generating system outputs (line 5) any different from 'user input' (line 5)? is 'user input' in line 5 same as 'user input' in line 13? what is the true correspondence between the incoming XML and the outgoing XML, when incoming XML is related to user input (line 12) and the outgoing item is pertinent to 'user input instructions' (line 5)? Is the 'user input' in line 25 same as user input in lines 5, 13? How is the incoming (line 20) XML part of a sending process in the second computer, when it is not clear to what 'user input' (user of which computer) this incoming XML item really corresponds to; Does the 'incoming XML' really corresponds to 'system output instructions' (line 15) or to 'user input' (line 13) or to system outputs (line 5)? Is 'user input' for 'incoming XML' data (line 25) same as first, 'user input instructions' (line 5) or second, 'system output instructions' in relation to 'incoming XML' (line 18)? If so, then is outgoing XML same as 'system output instructions' or as incoming XML? it is not clear whether 'system output instructions' (line 15) or 'system outputs' (line 5) pertain to 'user input' of the first system, or the second system; nor is it clearer, as to which of to 'user input instructions' of first or second system.

As for (iii), a 'system output instructions' entails system layer instruction designed for the system platform, and one skill in the art would expect deep layer system type of instructions, like a *printf scanf* statement, or a data (e.g. *i/o stream, dump*) transfer type of instruction, or a *interrupt* related message instruction, a kernel (shut down/reboot) layer calls for outputting data, all of which lower than and not same as application layer calls. The Specifications does not provide any output type instructions (on the second computer) that belongs to such 'system' layer type -- specific to a second computer architecture-- and that which, at the same time, matches to the user input pertinent to a application layer of from the first computer. The claimed 'system outputs' is even a broader concept than 'system output instructions'; and one of ordinary skill in the art cannot construe the relationship between request from a 'user input' from a first architecture and 'system outputs' (i.e. which system?), absent special definition of this term in the Specifications; nor a relation between a input instruction requesting a 'system outputs instructions' from a remote computer. The Disclosure, indeed, describes application layer in one platform attempting to retrieve data which only can be transmitted from another platform, and because of the format differential between a application layer and native format in either platform, whence, the necessity to invoke native layer type of execution in another platform to permit fulfilling a data request, a non-proprietary type of data conversion is effectuated as outgoing XML and incoming XML respective to each platform. There is no 'system instructions' (as construed from above) being evoked in either computer in order address a user request for data initiated at a application level. What native format type of execution underlying the effect of converting XML data into a application directive is irrelevant or not disclosed in the Specifications in terms of 'system output instructions', because application calls as understood

from the disclosed client-server paradigm can also invoke a native code in Java form; and Java or DLLs execution is not 'system output' call. There is no sufficient teaching in the Specifications for one to construe how a user input to be equated via a XML into a system layer calls to yield an output; when in fact a directive at an application layer can indirectly invoke native code; but executing native code in one application process cannot be equated to 'system output instructions' unless the Disclosure clearly **redefines that** native code is actually 'system output instructions' and 'system output instructions' is also 'system outputs'. Regarding the second computer environment, (see lines 23-25) in terms clarity of the structural relationship, one cannot see how '*transmits ... non-proprietary data script defining the incoming XML item corresponding the system output instructions relating to the user input instructions*' can be understood in clear terms that unequivocally explain what is outputted and what is inputted; or what is outgoing and what is incoming, and where is such input or output heading; or transmitting is for transmitting input data.

One of ordinary skill in the art would use broadest interpretation to prosecute the indefinite language as set forth above; and the elements being identified as lacking proper structural relationship will be treated as mere 'input' from one machine, its conversion into a XML request, said request reconverted into a corresponding directive at another machine for such directive to evoke native code, the result of which execution formulated as a return XML response, which when parsed on the first machine enable native code therein to execute and/or yield the needed data.

5. Claim 26 recites 'second user input instructions', 'execution the second user input instruction'; and XML item providing 'system outputs'; creating 'system output instructions'

related to the user input instructions on the first computer; and creating 'system output instructions' related to the user input instructions of the first computer. One of ordinary skill cannot see the relationship between 'user input instructions' (at the first computer as per reading the Disclosure) and the 'system outputs' -- or 'system output instructions' -- defined as a XML item after executing a proprietary 'second user input instruction' (line 14), in terms of native code execution at a second computer; that is, execution thereby yielding data related to 'system output instructions' or 'system outputs'. This lack of definiteness has been set forth above as per item (iii). The term 'system' in computer fields entails very specific type of layer that performs under special circumstances and so, transparent from normal operations of application layers like client-server requests. Application type of requests being converted as a XML format (as in Salmenkaita) entails re-conversion into a executable directive that can be run solely at the very platform that reconverts that XML into its native environment. One cannot construe how a simple user instruction at application layer can be equated to data relevant to deep layer architecture specific 'system output instructions'. There is no description in the Disclosure that clearly mentions how a XML item corresponds to data pertinent to a 'system output instruction'; and there is no explicit teaching that clarifies that 'system outputs' constitutes 'system output instructions'. Even in light of the Specifications, essential structural definiteness is lacking from the claim in terms of a reasonable relationship involving client application user input instruction and a server *system* output, simply because user's input from a requesting computer cannot suddenly trigger a '*system output instruction*' type of data from a server, absent any reference to this latter phrase any where in the Specifications, nor is there any clarification as to what 'system outputs' is all about.

Claim 27 is also rejected for failing to remedy to the lack of structural relationship based on the Disclosure.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 20, 26-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recited 'system output instructions' in claims 20, 26 is not provided with a single description in the Specifications. Likewise, XML data defining 'system outputs' or 'system output instructions' is deemed not disclosed from the client-server paradigm using XML for effectuating native calls within each respective machine of the paradigm, described throughout the Specifications. While it is acknowledged that (even from the Disclosure) executing proprietary native code in Java binary to enable data to be outputted back as a XML response, it is not true that native code execution (after converting an XML) for an incoming application request constitutes a 'system output instructions' as claimed, as set forth in the USC § 112, 2nd. The inventor is perceived as not possessing the 'system output instructions' when associating this 'system outputs' with XML item, mainly for lack of description in regard thereto, particularly with the emphasis on the difference involving 'native' (proprietary code) versus 'system' code, illustrated as following. A native Java code in a server can be compatibly same as a native Java in a client but not with a deep 'system' call of that machine; a native Fortran on a given

machine cannot be compatible with a 'system output' call written in Assembly language on that same machine; while a sample of system call in C designed for a Solaris machine can be emulated by a application layer of a client-based C compiler, and; and 2 native codes from one client cannot be executed by a same engine within that machine; nor does a system call in C be executable using a same engine that executes another system call in assembly. The Disclosure fails to provide differentiating facts as to how the 'system output instruction' would support XML for a mere application layer user input; i.e. insufficient support for the above claim language.

This lack of teaching would be treated as though the system output call is native code to provide data that can be reformatted in a XML item.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-10, 12, 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmenkaita et al., USPN: 2004/0176958 (hereinafter Salmenkaita).

As per claim 1, Salmenkaita discloses a method for providing remote computer control of an application executing on a second computer from a first computer over a network, comprising:

via a first user interface, receiving a first user input instruction by a proprietary operating system on the first computer for execution, the first user input instruction being operationally compatible with the proprietary operating system (e.g. *voice command* – Fig. 2A, 2D; receive voice command 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D; voice recognition processing – para 0051-0061, pg 4-5) and operationally incompatible with a second operating system executing on the second computer which incorporates a second user interface, wherein the first user interface is dissimilar to the second user interface (Note: server OS and client OS having dissimilar UI is implicit in Salmenkaita's paradigm and native code running on both UI are mutually not compatible, in light of the use of XML mediating neutral carrier);

translating the first user input instruction into a non-proprietary data script defining at least one XML item utilizing a first device driver resident in the proprietary operating system on the first computer, wherein the first device driver formats the first input instruction into at least one XML element item corresponding to the first user input instruction (e.g. *voice XML tags* - para 0052; *embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; para 0172-0174, pg. 14), wherein the device driver formats the first instruction into at least one XML element corresponding to the first instruction (e.g. para 0172-0174; inference engine – para 0232);

transmitting the non-proprietary data script defining the at least one XML item from the first computer to the second computer (e.g. para 0085-0086, pg. 8; *Message 515, XML file 227* - Fig. 4C, D);

translating the non-proprietary data script defining the at least one XML item into a second user input instruction utilizing a second device driver in the second operating system on

the second computer, wherein the second device driver translates the at least one XML item corresponding to the first user input instruction into the second user input instruction (step 736 – Fig. 7B; para 0258, pg. 21),

the second user input instruction being compatible with the second operating system on the second computer and incompatible with the proprietary operating system on the first computer (e.g. xml 227 - Fig. 4c, 4d; services 440, 442, 444, 446, 448, 450 method calls – Fig. 6; *invoke ...method ... metadata vector* – para 0258, pg. 21--Note: server with proprietary services to effect recommendations fulfilling applications whose results are sent back to client wireless reads on not compatible with native environment of wireless client – see Fig. 5A), said second user input instruction being functionally similar corresponding to the first user input instruction (e.g. boxes 216, 240, 242, 244, 246 – Fig. 4D; para 0249, pg. 21; steps 364-366 Fig. 5A) for execution on the second computer; and

executing said second user input instruction on said second computer (e.g. Fig 4D; para 0177, pg. 15; Fig. 4E; para 0225-0227, pg. 18; Fig. 5; *receive ... service 368* – Fig. 5A).

As per claims 2-3, Salmenkaita discloses wherein receiving said first user input instruction comprises receiving an instruction for outputting data or displaying data (e.g. display area 102B --Fig. 1; *recommended services* – Fig 2B-C; Figs. 3; *prepared updated MENU 224* – to device 100: *MENU message 509* – Fig. 4B, 4D – Note: selection by wireless user for a recommendation being serviced and updated by server for retransmission back to wireless client as updated recommendation MENU reads on instruction of data outputting)..

As per claim 4, Salmenkaita discloses receiving an instruction for outputting data which further comprises receiving an instruction for generating a sound (e.g. *audio metadata 125* – Fig. 4B; *audio output* - para 0085, pg. 8).

As per claims 5 and 7, Salmenkaita discloses receiving said first user input instruction which comprises receiving an instruction for inputting data; an instruction indicating a computer keyboard input (Fig. 1).

As per claim 6, Salmenkaita discloses HW input receiving via a touch pad, the use of touchpad in some small device to provide mouse functionality was equivalent to a mouse click (touch pad as in *Touch sensor* - para 0072, pg. 6; Fig. 1).

As per claim 8, Salmenkaita discloses wherein translating the first input instruction into a data script defining at least one XML item comprises generating a first XML tag defining the beginning of the XML item, generating a data item corresponding to the first input instruction, and generating a second XML tag defining the end of the XML item (e.g. Table D, E, pg. 14; para 0155, pg. 11; *processing instruction* – para 0163-0164, pg. 12).

As per claim 9, Salmenkaita discloses transmitting the data using HTTP (e.g. Fig. 6, para 0179, pg. 15; para 0266-0271, pg. 22; Fig. 3D).

As per claim 10, Salmenkaita discloses wherein translating the data into a second instruction comprises identifying a first XML tag defining the beginning of an XML item, identifying a data item corresponding to a input instruction, identifying a second XML tag defining the end of an XML item (para 0232, pg. 19; *specification ... activity* – para 0156, pg. 11; para 0163-0164, pg. 12).

As per claim 12, Salmenkaita discloses a computer readable medium (refer to claim 1 for corresponding rejection) having computer-implementable instructions stored thereon for performing the method recited in claim 1.

As per claim 20, Salmenkaita discloses a system for remote computer access, comprising:

a first computing system having stored thereon software which when executed on the first computing system (e.g. Fig. 4C) identifies user input instructions compatible with a proprietary operating system on the first computer system, the user input instructions relating to generating system outputs (e.g. Fig. 4D; Fig. 7C) in response to a user input;

translates the user input instructions into non-proprietary data script defining an outgoing XML item corresponding to the user input instructions by utilizing a first device driver within the proprietary operating system on the first computer system, wherein the first device driver formats the user input instructions into an outgoing XML item corresponding to the user input instructions (e.g. *voice XML tags* -para 0052; *embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; para 0172-0174);

transmits the non-proprietary data script defining the outgoing XML item corresponding to the user input instructions relating to generating system outputs(e.g. Fig. 4C), and

receives an incoming XML item (Fig. 4D) corresponding to the user input for execution on the first computing system (e.g. para 0085-0086, pg. 8; *Message 515, XML file 227* - Fig. 4C, D – Note: transmitting by wireless device or first system -- Fig. 4C, 4E -- **reads on** receiving by the server or second system -- Fig. 4D, 4F);

a second computing system having stored thereon software which when executed on the second computing system (e.g. Fig. 4D, 4F) identifies system output instructions operationally compatible with a second operating system on the second computer system and operationally incompatible with the proprietary operating system on the first computer system (Note: server with proprietary services to effect recommendations fulfilling applications or to retrieve output data to send back to client wireless reads on not compatible with native environment of wireless client – see Fig. 5A), the system output instructions relating to the user input instructions (para 0056-0061, pg. 4-5),

translates the system output instructions into non-proprietary data script defining an incoming XML item utilizing a second device driver in the second operating system on the second computer system, wherein the second device driver formats the system output instructions into an incoming XML item corresponding to the system output instructions (e.g. *recommendations, XML messages* - pg. 13, para 0168-1070; steps 231, 244, 246, 248 –Fig. 4D – Note: refer to Claims USC 112, 2nd paragraph Rejection for limitation interpretation),

transmits the non-proprietary data script defining the incoming XML item corresponding to the system output instructions relating to the user input instructions, and

sends the incoming XML item corresponding to user input from the second computer system for execution on the first computer system (e.g. steps 231, 244, 246, 248 –Fig. 4D – Note: transmitting the Script and sending the XML coming from the client back to the client's first computer reads on a same XML script including outputs generated by the second computer); and

a communications network operably coupled between said first computing system and said second computing system for transmitting the non-proprietary data script defining incoming and outgoing XML items between said first computing system and said second computing system (Figs. 1-2).

As per claim 21, Salmenkaita discloses a method for providing remote computer access, comprising:

receiving instructions relating to generating output (e.g. *voice command* – Fig. 2A, 2D; receive voice command 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D) on a first computer from a first operating system on the first computer, the instructions being compatible with the first operating system and incompatible with a second operating system on a second computer;

creating data defining at least one XML item corresponding to the instructions relating to generating output, wherein the instructions are created into at least one XML element corresponding to the instructions (*voice XML tags* -para 0052; *embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; para 0172-0174, pg. 14);

transmitting the data defining at least one XML item from the first computer to the second computer (e.g. Fig. 4C);

receiving data defining an XML item relating to inputs on the first computer from the second computer (e.g. steps 231, 244, 246, 248 –Fig. 4D);

creating instructions relating to inputs from the data defining an XML item relating to inputs, the instructions relating to inputs (step 736 – Fig. 7B; para 0258, pg. 21; Fig. 4c, 4d; services 440, 442, 444, 446, 448, 450 method calls – Fig. 6; *invoke ...method ... metadata vector*

– para 0258, pg. 21) being compatible with the first operating system on the first computer and incompatible with the second operating system on the second computer (Note: server with proprietary services to effect recommendations fulfilling applications to send back to client wireless reads on not compatible with native environment of wireless client – see Fig. 5A); and executing the instructions relating to inputs on the second computer (re claim 1).

As per claims 22-25, these claims correspond to claims 14-17, respectively; therefore will incorporate the corresponding rejection as set forth therein.

As per claim 26, Salmenkaita discloses a method for providing remote computer access, comprising:

transmitting a remote access request from a first computer to a second computer;
receiving an user input instruction relating to a user input by a first operating system on the first computer (*voice command* – Fig. 2A, 2D; receive voice command 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D), the input instruction being compatible with the first operating system and incompatible with a proprietary second operating system on the second computer;

creating data defining at least one XML item corresponding to the user input instruction relating to the user input;

transmitting the data defining at least one XML item corresponding to the input instruction from the first computer to the second computer (para 0085-0086, pg. 8; *Message 515*, *XML file 227* - Fig. 4C, D);

translating the at least one XML item corresponding to the user input instruction from XML format to a second user input instruction compatible with the proprietary second operating

system; executing the second user input instruction (e.g. xml 227 - Fig. 4c, 4d; services 440, 442, 444, 446, 448, 450 method calls – Fig. 6; *invoke ...method ... metadata vector* – para 0258, pg. 21);

receiving data from the second operating system related to the second user input instruction defining an XML item providing system outputs for the first computer (e.g. boxes 216, 240, 242, 244, 246 – Fig. 4D; para 0249, pg. 21; steps 364-366 Fig. 5A);

creating system output instructions relating to the system outputs for the first computer, the system output instructions relating to the user input instructions being compatible with the first operating system on the first computer and incompatible with the second operating system on the second computer (refer to claim 1); and

executing the system output instructions relating to the system outputs for the first computer (e.g. Fig 4D; para 0177, pg. 15; Fig. 4E; para 0225-0227, pg. 18; Fig. 5; *receive ... service 368* – Fig. 5A).

As per claim 27, see Salmenkaita (e.g. Browser 102, Fig. 3B; Fig. 6, para 0179, pg. 15; para 0266-0271, pg. 22; Fig. 3D).

Response to Arguments

10. Applicant's arguments filed 11/20/07 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

(A) Applicants have submitted that 'system output instructions' can be found in the specification (Appl. Rmrks, pg. 8), which is but mere allegation. Only 'system outputs' is found and this phrase in paragraph 0020, is substantially remote from the context involving XML conversion and 'user input' within the claimed context having first and second computer.

Paragraph 0008 describes output in terms of a given computer system displaying of output at the **application** layer, thus, not really connected to 'system output instructions'.

(B) Applicants have submitted that explicit description (Appl. Rmrks pg 9) has been provided to contest the 35 USC § 112 rejection in regard to 'hardware input instructions'. These are moot.

(C) Applicants have submitted that in view of claim 1 now amended, Salmenkaita fails to teach every limitation of the claim (Appl. Rmrks, pg. 11) because voice commands being translated to map existing XML tags only entails that wireless device and its network server are all together compatible with each other. The use of XML language by Salmenkaita, as set forth in a previous Office action, entails recognizing data compatibility between machines for sending and receiving, and fulfilling requests which define those data. That is, by conveying a representation like the well-known non-proprietary W3c XML form, data can be reconverted when received at either the sending end or the receiving end. This conversion, as shown throughout Salmenkaita's figure and cited portions (regardless as to whether or not the generated XML script gathers portions of existing scripts) enables a reconvert of a raw user data to another form, i.e. a form of data translating; and any such conversion back and forth via this non-proprietary signifies that format compatibility mismatch exists between the client and the server. As a whole, claim 1 amounts to this paradigm by Salmenkaita, especially when the improprieties raised against the claim is taken into consideration. From the figures proffered in the Rejection, Salmenkaita teaches voice signals being converted at one end (which executes in own native code) into a non-proprietary data form in terms of XML type request; such request being received at another end --which executes its native code, only after conversion of the XML into proper directives enabling such native code invocation-- then translated into directives

executable only at the receiving end, the output from which being reconveyed as XML format back to the requesting end; enabling the latter to reconvert XML data into corresponding data compatible only to its executing environment. The argument that 'it does not follow that Salmenkaita is describing ... wireless device is incompatible with the operating system of the ... server' (Appl. Rmrks, pg. 12 top) is a mere assertion, because there is nothing in the claim that specifically describes how this incompatibility is implemented. That is, the very stages of receiving input, converting it to a non-proprietary form, sending this form, have it converted into executable directives at the receiving end, reconvert the resulting output from the receiving end into XML response, and reconvert this Response at the send end has been interpreted (from the claim language) and mapped equally with the teachings by Salmenkaita. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(D) Applicants have submitted that Salmenkaita fails to teach translating into non-proprietary form for simply using short-cuts that exist already, none of which is translating using a device driver (Appl. Rmrks pg. 12 middle). Device driver is interpreted as a driver that translate non-proprietary form into a form that support calling code made in a executable form native to the environment. Since the Specifications does not provide deliberate and a particular redefining of what 'device' is all about in the context of converting into a native code, this 'device driver' has been interpreted as mere utility that 'translate the non-proprietary' data script into instruction being compatible with the second computer (see claim 1). Salmenkaita teaches sending XML script for it to be translating into data by way of which output response via execution performed

at the server, can be retransmitted as XML response to the wireless devices (see Figs 3-4). Any time a user input, may it be voice or keystroke, is transmitted as XML script (as by Salmenkaita) request to a server, the process of translating such input into a markup format (e.g. integrating such input data by way of XML tags) is taught. Therefore, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references; and the argument is largely unconvincing.

In whole, the claims stand rejected as set forth in the Office Action.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 2193
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